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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

NORTHWEST CENTER FOR
ALTERNATIVES TO PESTICIDES,
WILLAMETTE RIVERKEEPER,
CASCADIA WILDLANDS, NEIGHBORS
FOR CLEAN AIR, AND 350PDX,

Plaintiffs,

vs.

U.S. DEPARTMENT OF HOMELAND
SECURITY; CHAD WOLF, in his capacity
as Acting Secretary, U.S. Department of
Homeland Security,

Defendants.

No. 3:20-cv-01816

**STANDING DECLARATION OF
BRENN A BELL**

I, BRENN A BELL, declare and state as follows:

1. I have been a member and supporter of Cascadia Wildlands since 2008 and have regularly volunteered and collaborated with Cascadia Wildlands staff and other members. I reside in Multnomah County, Oregon.

2. Cascadia Wildlands advocates for vast old-growth forests, rivers full of wild salmon, wolves howling in the backcountry, a stable climate, and vibrant communities sustained by the unique landscapes of the Cascadia bioregion. Cascadia Wildlands defends these places in the forests, in the courts, and in the streets.

3. I live and work in Portland as an environmental attorney, as well raising a family and volunteering for several non-profits focused on sustainability and social justice.

4. I have participated in protests, rallies, and other forms of political protest in Portland since 1997. Over the years, I have often been a Legal Observer and Police Liaison. I have also worked with the City of Portland to improve Portland Police Bureau crowd control policies, most recently after the 2017 protests following Donald Trump's inauguration.

5. Beginning on May 29, 2020, in the wake of George Floyd's death, I participated in several protests supporting the movement for Black Lives Matter and social & environmental justice, both alone and with my children (11 and 15) and partner.

6. On July 17, 2020, my partner and I went to the evening protest in Lownsdale Square to support the Black Lives Matter movement. We arrived at approximately 9:30 pm. Within 20 minutes of arriving, federal officers stationed on the north side of the Edith Green - Wendell Wyatt Federal Building shot several canisters of noxious gas into the crowd. Although I was still on the edge of the crowd, I immediately felt the impacts of the gas to my eyes and lungs and had to retreat two full blocks from the area until I was able to breathe again.

7. On July 22, 2020, my 15 year-old daughter and I went to the evening protest and stood with the Wall of Moms. We were at the protest for many hours and listened to several speakers including Portland mayor, Ted Wheeler. I would have liked to stay longer but, because my daughter was with me, I made the choice to leave when the federal officers warned that they

would be releasing gas and munitions, which they did approximately ten minutes after we left downtown.

8. A few days later, my 11 year old son was in Chapman Square with my partner in the early evening. When he came home he told me he had been tear gassed, I was incredulous because they were home before the time federal agents typically shot gas at the crowd. When I pressed for more details, my son told me he had been "tear gassed by the ground": when he had sat down on the grass in Chapman Square, it released a puff of chemicals into the air so strong he had to immediately stand up and move away. I felt very concerned for the impacts to his health, and the health others who regularly spent time in the Square, and also for the impacts for all of the vegetation that was getting coated, night after night, in layers of noxious chemicals.

9. On July 29, 2020, I went to the evening protest alone and spent several hours having conversations and listening to speakers. At approximately 9 pm, I was standing on Third Avenue under the trees in front of the Federal Courthouse when the wind started to blow. I immediately felt my eyes burn and had a hard time breathing. As the federal agents had not yet deployed any tear gas that evening, I believe the gas accumulated on the leaves of the trees and caused this irritation as it blew off. I became very concerned about the impacts of accumulated gas on the trees and other vegetation in the downtown area, as well as the impacts of residual gas on all passersby.

10. Later in the evening of July 29, I was still standing in front of the Federal Courthouse when the federal agents deployed tear gas and impact munitions, including pepper balls. By that time I had put on a respirator so I was able to breathe, but my eyes became very irritated and I required care from volunteer medics.

11. Since that time, I experienced highly irregular menstruation, and had five Menstrual cycles between July 8th and September 28th. Not only is the time between each cycle extremely short, my last two cycles were heavier and more painful than usual. I have heard from many other people that they also experienced menstrual irregularity after being exposed to tear gas.

12. In my professional life, I regularly engage with the National Environmental Policy Act (NEPA), the statute which requires the federal government to study the environmental and health impact before it undertakes a major federal action. I have seen firsthand how federal actions are improved by studying their potential impacts, disclosing these impacts to the public, and incorporating public comment into the decision-making process.


13. I believe that the lack of information and analysis by the federal government about the repeated use of tear gas and other aerosols created conditions in which numerous adverse health impacts to the environment and human health, including my own, were able to occur.

14. If the federal government completes a NEPA analysis of the use of tear gas and other crowd control weapons on human health and the environment, and makes that information available to the public for review and comment, I believe they may make better, more informed choices about their use of such weapons. I believe they may decide to no longer deploy these gases with such regularity, and in such quantities, that myself, my friends and loved ones, and the natural environment have recently experienced.

15. I have definite plans to continue to engage in protests for social and environmental justice in Portland.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of October, 2020.


Brenna Bell